

76-12b10. Rights of persons admitted to an institution. (a) Every person admitted to an institution, in addition to all other rights preserved by the provisions of this act, shall have the following rights:

(1) To be fully informed of all rights and responsibilities available to or required of persons admitted to the institution;

(2) to have the natural guardian or guardian of the person fully informed of all rights and responsibilities available to or required of persons admitted to the institution;

(3) to be fully informed of and offered the opportunity to participate in an individual plan of care and training;

(4) to communicate by letter with the secretary, commissioner of mental health and developmental disabilities, superintendent of the institution, any court, physician, attorney, natural guardian or guardian, and all such communication shall be forwarded at once to the addressee without examination and communications from such persons shall be delivered to the person without examination;

(5) to manage personal and financial affairs to the extent possible;

(6) to be free from mental and physical abuse;

(7) not to be subject to such procedures as psychosurgery, electroshock therapy, experimental medication, aversion therapy or hazardous treatment procedures without the written consent of the person or the written consent, as appropriate, of a parent or guardian;

(8) to be treated with respect and full recognition of dignity and individuality including privacy and confidentiality;

(9) to be free from involuntary labor and to be paid for any work performed other than personal housekeeping;

(10) to be free to communicate, associate and meet privately with individuals of choice including sending and receiving mail unopened;

(11) to participate in social, religious and community group activities to the extent possible; and

(12) to retain and use personal possessions and clothing.

(b) The superintendent of an institution may, for good cause only, restrict a person's rights under this section, except that the rights enumerated in subsections (a) (1), (2), (3), (4), (6) and (8), and the right to mail any correspondence which does not violate postal regulations, shall not be restricted by the superintendent of an institution under any circumstances. A statement explaining the reasons for any restriction of a person's rights shall be immediately entered on such person's treatment record and copies of such statement shall be sent to the person and the natural guardian or guardian of the person.

(c) Each institution shall adopt policies governing the conduct of all persons receiving care and training in such institution, which policies shall be consistent with the provisions of this section.

(d) Any person willfully depriving any person of the rights protected by this section, except for the restriction of such rights in accordance with the provisions of subsection (b), shall be guilty of a class C misdemeanor.

History: L. 1984, ch. 339, § 10; L. 1995, ch. 234, § 31; Jan. 1, 1996.